

JUL 31 2012

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

DOCKET NO. 1:11CR10-MR-DLH

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

JAMES W. BAILEY, JR.,)

Defendant.)

PETITION OF SUSANN M. EDDY)

**CONSENT ORDER FOR
THIRD PARTY PETITION**

THIS MATTER is before the Court by consent of the United States of America, by and through Anne M. Tompkins, United States Attorney for the Western District of North Carolina and Petitioner Susann M. Eddy, through counsel, pursuant to Fed. R. Crim. P. 32.2(c). The Government and Petitioner have consented to this Consent Order for Third Party Petition as a final adjudication and settlement of all matters with regard to the petition at Docket 42 on the following property (the "Subject Property") included in the Consent Order and Judgment of Forfeiture (Doc. 16) filed herein:

The real property at 156 Allegra Lane, Silverthorne, CO 80498, more particularly described in Summit County records as "Unit 156 BLDG N-6 PONDS AT BLUE RIVER CONDO SEVENTH AMENDMENT."

The Government and Petitioner advise the Court that they have engaged in

discussions about the Subject Property for the purposes of determining whether Petitioner satisfies 21 U.S.C. § 853(n)(6). Pursuant to such discussions, the Government and Petitioner have **STIPULATED AND AGREED** and the **COURT FINDS AS FOLLOWS:**

1. Pursuant to this Consent Order for Third Party Petition, the description of the Subject Property in the Consent Order and Judgment of Forfeiture should be amended on the basis that Petitioner satisfies one or more prongs of 21 U.S.C. § 853(n)(6).

2. The Government and Petitioner stipulate and agree to the relief set forth herein based on the following facts about transactions involving the Subject Property. The Susann M. Eddy Revocable Living Trust purchased a 40% interest in the Subject Property with \$259,080.61 in funds unrelated to the fraud that forms the basis of this forfeiture action and without knowledge of the fraud. Therefore, the parties agree that Petitioner's Petition should be granted as to the 40% interest. The parties also agree that this Consent Order for Third Party Petition does not adjudicate the contested claim by James Eddy for the remaining 60% interest in the Subject Property.

3. The Government and Petitioner waive any rights to further litigate with each other about the Subject Property and agree that this Consent Order for Third Party Petition shall be in full settlement and satisfaction of all claims arising from this

forfeiture action between the Government and Petitioner about the Subject Property. Unless specifically directed by an order of the Court, Petitioner shall be excused and relieved from further participation in this action.

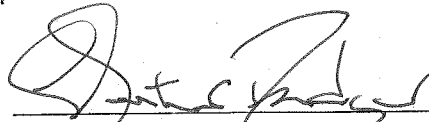
IT IS THEREFORE ORDERED THAT:

1. Based upon the Petition of Petitioner Susann M. Eddy (Doc. 42) and the stipulations of the parties herein, the Petition at Docket 42 is granted, but only to the extent that Susann M. Eddy argues for a 40% interest in the Subject Property. The description of the Subject Property is hereby amended to forfeit the Subject Property as follows:

The real property at 156 Allegra Lane, Silverthorne, CO 80498, more particularly described in Summit County records as "Unit 156 BLDG N-6 PONDS AT BLUE RIVER CONDO SEVENTH AMENDMENT," except that the Susann M. Eddy Living Trust holds a 40% interest in the real property and that 40% interest is not subject to forfeiture herein.

2. Each party shall bear its own costs, including attorneys fees.

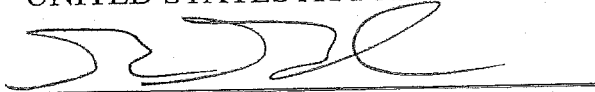
Signed this 31 day of July, 2012.



MARTIN K. REIDINGER
UNITED STATES DISTRICT JUDGE

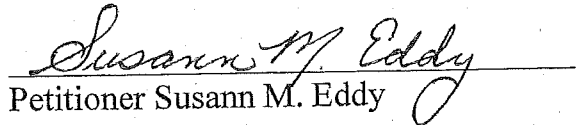
ON MOTION OF AND
BY CONSENT OF THE PARTIES:

ANNE M. TOMPKINS
UNITED STATES ATTORNEY




Benjamin Bain-Creed
Assistant United States Attorney

Dated: July 12, 2012


Petitioner Susann M. Eddy

Dated: July 2, 2012


William H. Christy, Esq.
Attorney for Petitioner

Dated: 7-10-12